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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,082	12/27/2001	Ghislaine Pinson	1948-4767	8501

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EXAMINER

TSIDULKO, MARK

ART UNIT PAPER NUMBER

2875

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,082

Applicant(s)

PINSON ET AL.

Examiner

Mark Tsidulko

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-10, 12-14, 16 and 18 is/are rejected.
- 7) ☒ Claim(s) 7, 11, 15, 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims **8, 9, 17** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

1. Referring to Claim **7** it is unclear what Applicant intends by “*component comprising an insert disposed in the motor vehicle headlamp*”. What is the **insert** ?
2. Referring to Claim **9** it is unclear what Applicant intends by “*the converging lens of a headlamp the reflector of which has an elliptical section*”. The status of Claim 9 (i.e. if allowable or not) can not be determined because of the vagueness of the claim.
3. Claim **17** is objected as claim depended on claim 9.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this

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application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims **1-4, 6, 10, 12-14, 16, 18, 20** are rejected under 35 U.S.C. 102(e) as being anticipated by Duflos (US 6,464,382).

4. Referring to Claims **1, 2** and **20** Duflos discloses (Figs.3, 5) a lighting apparatus for motor vehicle having a transparent material within which light-diffusing foci (inclusions) [14], consisting of local discontinuities in that material in order to diffuse the light emitted by a light source [20] associated with lighting device (Abstract; col.2, lines8-18). While plate [10] is manufactured by molding process it is well known in the art and technology of plastic's molding that the inclusions can be arranged at any desired predetermined location of the plate [10]. It is inherent that when material of plate [10] having inclusions is congealed in the mold the local discontinuities (inclusions) in that material are irreversible modifications of the structure.

5. Referring to Claim **3** Duflos discloses (col.2, lines 8-18) that the irreversible modifications (inclusions) are obtain to focusing of electromagnetic radiation because they are diffusing the light rays emitted from the light source and, as well known in the art, the light rays are the electromagnetic radiation.

6. Referring to Claim **6** Duflos discloses (Fig.5, Abstract) that the light-diffusion foci (inclusions [14] diffuse the light rays originating from the light source [20] of the headlamp and incident on the component.

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7. Referring to Claims **10, 18** Duflos discloses (col.1, lines 2, 3; col.2, lines 1, 2) a component used with indicator light and diffusing the light rays emitted by at least one light source (Fig.5, [20]).
8. Referring to Claim **12** Duflos discloses (col.2, lines 19-21) that the inclusions size is in the range between about 0.1 and 100 microns.
9. Referring to Claims **13/1, 13/2, 13/3, 13/4, 13/5, 13/6, 13/7, 13/8, 13/9, 13/10, 13/11, 13/12, 14** Duflos discloses (col.3, lines 16-22) that the transparent material is plastic or glass.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim **4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Duflos (US 6,464,382) Duflos discloses (Fig.5) a lighting device having a light source [20].

Duflos disclose the instant claimed invention except for a light source is laser.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, that any desired type of the light source including laser can be used in the device for purpose of emitting the light.

Claims **5, 15, 16** are rejected under 35 U.S.C. 103(a) as being unpatentable over Duflos (US 6,464,382) in view of Guyomard (US 6,290,287).

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11. Referring to Claims **5, 15** Duflos disclose the instant claimed invention except for motor vehicle headlamp glazing.

Guyomard discloses (Fig.2) a vehicle headlamp having the glazing [G] that is used for closing a lamp casing (col.2, lines 3-5).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to provide the component of the headlamp of Duflos with the glazing of Guyomard in order to close the lamp housing and prevent the damage of the component.

12. Referring to Claim **16** Duflos disclose the instant claimed invention except for the headlamp incorporating the component as an insert.

Guyomard discloses (Fig.2) a vehicle headlamp having the glazing [G] that is used for closing a lamp casing (col.2, lines 3-5).

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to use the glazing as taught by Guyomard for the component of Duflos, as an insert located between the light source and the glazing.

Allowable Subject Matter

Claims **7, 11, 17, 19** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

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13. Referring to Claim 7 the prior art of record fails to show the component wherein the light diffusing foci diffuse the light rays originated from an auxiliary light source.
14. Referring to Claim 11 the prior art of record fails to show the component wherein the component is partially metallised.
15. Referring to Claim 17 the prior art of record fails to show that the component is a converging lens.
16. Referring to Claim 19 the prior art of record fails to show a component having a repeater light, adapted for repeating a lighting or indicator function.
17. Claim 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Tsidulko whose telephone number is (703)308-1326. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703)872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

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M.T.
February 12, 2003